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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) QMARK 201.2	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/791019	Filed 03-02-2004	
	First Named Inventor Eric Shepherd		
	Art Unit 2173	Examiner Shih, Haoshian	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><div style="margin-bottom: 10px;"><input type="checkbox"/> applicant/inventor.</div><div style="margin-bottom: 10px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div><div style="margin-bottom: 10px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33511</u></div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div></div><div style="width: 50%; text-align: center;"><div style="margin-bottom: 10px;"> _____ /Steven M. Hoffberg/ Signature</div><div style="margin-bottom: 10px;">Steven M. Hoffberg _____ Typed or printed name</div><div style="margin-bottom: 10px;">914-949-3100 _____ Telephone number</div><div>April 28, 2008 _____ Date</div></div></div> <p style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><input type="checkbox"/> *Total of _____ forms are submitted.</div>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Shepherd, et al.
Serial No. : 10/791,019
Filed : March 2, 2004
For : SECURE BROWSER
Examiner : Haoshian Shih
Art Unit : 2173
Customer No. : 10037

April 28, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PREAPPEAL CONFERENCE BRIEF

Claims 1-21 are finally rejected as being anticipated under 35 U.S.C. § 102(e) over Winneg et al., US 7,069,586.

In formulating the rejection, the Examiner cites various portions of Winneg, which it is respectfully submitted do not teach or suggest this limitation. For example, the Examiner cites Col. 4, lines 3-5 for the proposition that Winneg teaches “automatically determining, based on a type encoding of the received data, whether a secure browser or a normal browser is to be employed”. However, at this passage, Winneg states: “The application being securely executed may be of any of a variety of types of applications, for example, a browser application or an application for receiving answers to questions of an examination (i.e., an exam taking application).” Thus, while Winneg appears to disclose a secure browser mode, it fails to disclose

that a normal or insecure mode is also selectively available, in dependence on a type of encoding or by a content provider, having a different level of functionality.

The secure mode of Winneg appears to be initiated based on a boot sequence, operating system limitation or user login. Col. 6, lines 35-67. Col. 9, lines 45-47, 50-55 and Col. 10, lines 10-13 indicate that a user input (and not a type encoding) determines which application to initiate. (“For example, FIG. 7 illustrates a GUI that may be displayed to a user to determine which application to initiate for the exam.” “After the user has entered the class name and the professor in their respective fields and clicked on the OK button, the exam-taking application may use this information to determine a first application to be executed so that the student may take the exam (i.e., provide responses to one or more questions) and to determine the content (e.g., the questions of the exam or material to assist the user in taking the exam), if any, to be displayed by the first application.” “Else, after hitting the ‘OK’ button of the GUI, next, in Act 122, secure execution of the exam-taking application may be initiated.”). Thus, Winneg appears to be distinguished.

It is especially noted that, in accordance with claim 1, the decision of whether to employ a secure browser or a normal browser is automatically determined based on a type of encoding of the received data. Therefore, it is not the server, but the client, which automatically determines which browser to employ, and that this determination is automatically made based on a type encoding of the received data.

The examiner interprets the phrase “type encoding” in claim 1 to encompass a login classification of the user. This, however, is an erroneous interpretation of the claim. The complete claim phrase is “...based on a type encoding of the received data...”, and therefore this language does not relate to a type of user, but rather a type of data. Likewise, the result of this type encoding in accordance with the claim is the selection of a secure browser or a normal browser with respectively different level of functionality, and not a set of privileges of the user within a singular browser type.

Winneg et al. is respectfully distinguished in that a “professor” and a “student” can access the very same document (having the same type encoding) and be afforded different privileges based on their login credentials and user type; in accordance with the presently claimed

invention, it is the **data** which determines the browser type, which in turn defines the set of privileges available through the selected browser.

Thus, Winneg et al. appears to provide a system in which a local software application controls the client computer independent of a type encoding of the received data. For example, Col. 6, lines 35-48 describe a system which defaults to a “secure” mode, and is machine status dependent, not received data dependent. Indeed, the authorization to access or delete an exam is provided within the “secure” mode, and thus these functions are all provided within a single “browser” or its analog. Therefore, the decisions 114, 116 do not serve to switch “browsers”. Col. 8, lines 48- Col. 9, line 44. Throughout the entire exam process, the machine is locked in a “secure” mode, maintaining this mode apparently independent of received data.

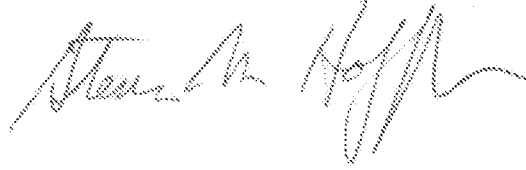
Col. 9, lines 59-67 provide that it is the information entered in the fields of Fig. 7 that are used to determine if content is to be displayed by “the first application” (e.g., MS Word). Fig. 7 shows a login screen, in which a user enters class name, professor and exam date. This does not correspond to the document requested by the browser from the cooperative server, and received by the browser in response to the request, as provided by claim 1.

Therefore, it is seen that Winneg et al. employ a presumption that so long as the exam-taking application is engaged, the machine must be in the “secure” mode, and do not employ encoding of requested data received from the server to automatically control the functionality of a browser. This differs from the present invention in accordance with claim 1, which permits, for example, the server to dynamically control the browser based on data encoding.

Claim 9 is distinguished in that Winneg et al. employ only a single browser type, and not both a separately defined secure browser and an insecure browser, the use of which is determined automatically by a content provider. As discussed above, the decision by Winneg et al. of whether to employ a security or not is made in dependence on a login status, and therefore, Winneg et al. do not teach or suggest at least “automatically determining whether a secure browser is required to be employed by a content provider or whether an insecure browser is to be employed, the secure browser restricting interaction of the user with tasks other than those permitted by the secure browser which are permitted by the insecure browser,” as provided in claim 9.

Therefore, it is respectfully requested that the rejection of the claims be reconsidered and withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Hoffberg", written in a cursive style.

By _____
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